

unpatentable over Yong et al. (U.S. Patent 4,381,315; hereinafter Yong '315).

Applicants respectfully submit that the "Request for Reconsideration Under 37 C.F.R. § 1.116" filed November 14, 2002, and the Preliminary Amendment filed March 12, 2003, sufficiently address this rejection, and request that this rejection be withdrawn. However, Applicants respectfully traverse in view of the attached Declaration pursuant to 37 C.F.R. § 1.132. The present Declaration contains more data than the previously-filed Declaration submitted with the Request for Reconsideration filed on November 14, 2002.

As mentioned in previous correspondence by Applicants, the present invention has achieved unexpected results. Such unexpected results includes the advantage of placing the present invention directly into a high-power oven for a relatively short period of time and still achieve a final product having a crispy texture and a favorable layered structure.

These advantages as unexpected are again confirmed by the Declaration hereto attached. As can been seen, placing the bread-like product of Yong '315 from a frozen state directly into an oven at a high temperature and for a short period of time cannot achieve the advantages of the present invention. For instance, Table 3 depicts that the present invention has a good tasting piecrust, with good uniform baked color. In contrast, the comparative examples (wherein Nos. 2, 4 and 5 represent the baking dough of Yong '315; see

paragraph 11 in the Declaration) achieve bitter tasting piecrusts containing many black parts and spots. The visualization of such black parts and spots is also depicted in the photographs that were a part of the Declaration filed November 14, 2002. Applicants respectfully refer the Examiner to the Rule 132 Declaration, and request full consideration of this Declaration for evidence of unexpected results that exist for the present invention. Based on these unexpected results, Applicants respectfully submit that this rejection under § 103(a) is overcome.

Further, Applicants respectfully maintain their position that a *prima facie* case of obviousness has not been formed with regard to the Yong '315 reference for the reasons stated in Request for Reconsideration (filed November 14, 2002) and Preliminary Amendment (filed March 12, 2003).

Based on the above remarks and all previously-submitted remarks, Applicants respectfully request reconsideration and withdrawal of this rejection.

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that the Examiner pass the application to issue.

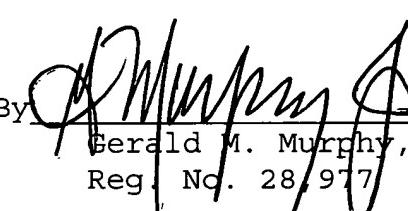
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Declaration under 37 C.F.R. § 1.132